

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
WESTERN DIVISION**

The State of KANSAS, the State of NORTH DAKOTA, the State of ALABAMA, the State of ARKANSAS, the State of FLORIDA , the State of IDAHO, the State of INDIANA, the State of IOWA, the Commonwealth of KENTUCKY, the State of MISSOURI, the State of MONTANA, the State of NEBRASKA, the State of NEW HAMPSHIRE, the State of OHIO, the State of SOUTH CAROLINA, the State of SOUTH DAKOTA, the State of TENNESSEE, the State of TEXAS, and the Commonwealth of VIRGINIA,

Plaintiff,

v.

UNITED STATES OF AMERICA and the  
CENTERS FOR MEDICARE & MEDICAID  
SERVICES,

Defendants.

CIVIL ACTION NO. 1:24-cv-00150-DMT-CRH

**DECLARATION OF HYUN KIM**

I, Hyun Kim, upon my personal knowledge, hereby submit this declaration pursuant to 28 U.S.C. § 1746 and declare as follows:

1. I was born in 1996 in South Korea and currently live in Annandale, Virginia.
2. My father came to the United States legally in 1998 on a work visa. In 1999, at the age of three, my mother brought me to the United States. We initially came on tourist visas and then stayed in the United States to be with my father.

3. I grew up in Virginia from the age of three. My parents worked to support us, and I went to school in Virginia. The United States is the only place I have ever called home, and in fact, I did not even know that I was undocumented until I was applying for jobs in high school. I have no memory of my first years in South Korea, do not speak Korean well, and could not imagine starting over in South Korea.
4. I graduated high school in 2014. I want to attend college one day and am currently working full-time as a server to support myself and save up money for school. Like most restaurant jobs, it pays base pay and tips, but provides no benefits like health insurance. I work about 45 hours a week, which allows me to rent a room, make car payments, and pay for food and bills. I have filed taxes every year that I have been eligible, and I intend to do so this year and in future years.
5. In my spare time, I am active in my community. I volunteer with Hamkae Center, a grassroots non-profit organization that provides community services, youth leadership opportunities, and advocacy on behalf of Asian Americans in Virginia. My volunteering has included everything from participation in city litter cleanups to canvassing and phone banks. I am also a member of CASA, Inc.
6. I applied and was approved for DACA and work authorization from U.S. Citizenship and Immigration Services (USCIS) on or about 2017. My DACA status remains current and has never lapsed.

7. With my DACA status, I hope to continue to live a happy and productive life in this country, the only home I have ever known. I hope to one day get my college education, start a family, and own my own home. I once worked in marketing, so I would like to seek a degree in marketing.
8. I do not have any health insurance currently. If I go to a doctor, I have to pay out-of-pocket, which costs approximately \$150-200 per appointment. Because of that, I try to not go to the doctor, and my health has suffered.
9. I have no affordable access to preventable care. I have not had a physical in three years and have never been able to see a dentist because these are luxuries I cannot afford. Even though I have a family history of diabetes, I have not been able to get myself tested. I am concerned that I could develop diabetes and not even know because I've not seen the doctor for so long. If I were to develop diabetes or another medical condition, I worry that I would not be able to afford treatment.
10. I have a lot of anxiety about not having affordable access to medical care. I am afraid to call 911 because of the cost of medical care. Even if I had a medical emergency, I would only seek treatment if it was really serious because of the cost of care. If something were to happen to me tomorrow and I became seriously ill or injured, I don't know if my savings would be able to cover it. Especially if I couldn't work as a server, I don't know how I would pay for it.
11. I have look previously at options for health insurance, but an individual policy through a commercial insurer is totally outside my budget.

12. I first heard about the Final Rule on September 4, 2024. As a DACA recipient, I was very excited because, to me, access to health insurance and health care would mean that I could finally afford to start taking care of my health.
13. Based on my current income, I would be eligible to enroll in the ACA marketplace and Virginia's Insurance Marketplace health plans under the Final Rule. I do not have any dependents, and my Adjusted Gross Income was approximately \$31,500 in 2022 and \$29,700 in 2023. I expect to make a similar amount in 2024 and 2025.
14. If I could purchase a health plan through the ACA marketplace and Virginia's Insurance Marketplace, I would be able to start seeking routine medical care, like annual physicians and dentist visits, to hopefully prevent medical problems, including diabetes, to the extent I may be at risk, in the future. I would also be able to live without constant fear that I will not be able to afford medical treatment when I need it, or that I will have to use my college savings to pay for medical treatment. Stability of health care expenses directly impacts my financial planning, including my goals to go to college, own my own home, and start a family.
15. If the implementation of the Final Rule is delayed because of this lawsuit, I will be directly harmed because my access to important health insurance and healthcare will be delayed. Every day that I am unable to afford insurance, I delay seeking routine medical care, increase my risk of needing to make an

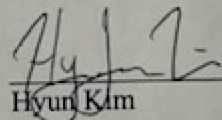
expensive trip to the emergency room, and experience anxiety about my health and future.

16. Even without the Final Rule and access to the ACA and Virginia's Insurance Marketplace, I plan to continue living in Virginia because I have made Virginia my home for three decades. But if I had access to insurance through the ACA and Virginia's Insurance Marketplace, I could live a more happy, healthy, financially stable, and productive life and hopefully get my college degree.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: September 19, 2024

Respectfully submitted,

  
Hyun Kim